

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CENTRAL STATES, SOUTHEAST AND)	
SOUTHWEST AREAS PENSION FUND, and)	
HOWARD McDOUGALL, trustee,)	
)	
and)	
)	
CENTRAL STATES, SOUTHEAST AND)	
SOUTHWEST AREAS HEALTH AND)	
WELFARE FUND and HOWARD)	
McDOUGALL, trustee,)	
)	Case No. 08 C 228
Plaintiffs,)	
)	Judge Darrah
v.)	
)	Magistrate Judge Brown
ACTIVE TRANSPORTATION COMPANY,)	
LLC, a Kentucky limited liability corporation,)	
)	
Defendant.)	
)	

**AGREED MOTION FOR AN EXTENSION OF TIME
TO ANSWER OR OTHERWISE RESPOND**

Defendant, Active Transportation Company, LLC (“Defendant”), by its attorneys Seyfarth Shaw LLP and by agreement of the parties, moves this Court for leave to file an answer or otherwise respond to the complaint in this matter on or before February 28, 2008. In support of this motion, Defendant states as follows:

1. Plaintiffs filed their Complaint on January 10, 2008. On January 28, 2008, Defendant received notice of the returned summons.
2. Defendant needs additional time to verify the contents of the returned service and to investigate the facts alleged in Plaintiffs’ Complaint in order to respond to the Complaint.
3. Therefore, Defendant requests 28 days, up to and including February 28, 2008, to answer the Complaint or otherwise respond.

4. On January 31, 2008, Defendant's counsel spoke to Rebecca McMahon, Plaintiffs' counsel, regarding the substance of this motion, and Ms. McMahon agreed to Defendant's request for an extension of time to answer the Complaint or otherwise respond.

5. This motion is made in good faith and is not being filed for the purpose of causing delay. This is Defendant's first request for an extension of time in this action.

WHEREFORE, Defendant respectfully requests that the Court grant Defendant up to and including February 28, 2008, to answer or otherwise respond to the complaint.

DATED: January 31, 2008

Respectfully submitted,

ACTIVE TRANSPORTATION COMPANY,
LLC

By /s/ Meagan C. LeGear
One of Its Attorneys

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CERTIFICATE OF SERVICE

I, Meagan C. LeGear, an attorney, do hereby certify that on this 31st day of January, 2008, I electronically submitted the foregoing AGREED MOTION FOR AN EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Rebecca K. McMahon
Attorney for Plaintiffs
9377 West Higgins Road
Rosemont, Illinois 60018-4938

_____/s/ Meagan C. LeGear